IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 1278 OF 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

==========

DIVISIONAL CONTROLLER,
GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)
Versus
PRAVIN V. JANI - Respondent(s)

==========

Appearance :
Shri A. M. Dagli for Petitioner(s).
Shri M. D. Rana for Respondent(s).

==========

CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 01/08/2007

ORAL JUDGMENT

Shri A.M. Dagli, learned Counsel for the petitioner, submits

that application of the Industrial Employment Standing Orders Act has been upheld by a Bench of this Court in Special Civil Application No.1099 of 1998 (Gujarat State Road Transport Corporation vs. Niranjanbhai P. Budhdhev) and as the suit filed by the respondent-workman has been dismissed, the order passed by the lower Court cannot be allowed to stand. Shri Rana, learned Counsel for the respondent, was unable to contest this legal position.

Once the application of the Industrial Employment Standing Orders Act has been upheld and the suit filed by the respondent-workman on the same cause of action stands dismissed, then, the learned Labour Court would not be entitled to interfere in the matter. The petition is allowed. Rule is made absolute. No costs.

[R.S.Garg, J.]

*kamlesh**